

**Restriction Requirement**

The Office Action asserts that the application contains the following groups of inventions:

Group I, claims 1, 4-9, and 11, drawn to polynucleotide comprising SEQ ID NO:1 or a nucleotide sequence derived from SEQ IDS NO:1 by substitution, deletion, addition, and insertion or one or more bases; and a vector, transformant, and transgenic plant comprising said polynucleotide.

Group II, claim 2, drawn to a polynucleotide comprising SEQ ID NO:2 or 3 or a nucleotide sequence derived from SEQ ID NO:2 or 3 by substitution, deletion, addition, or insertion of one or more bases.

Group III, claim 3, drawn to a polynucleotide comprising SEQ ID NO:4 or a nucleotide sequence derived from SEQ ID NO:4 by substitution, deletion, addition, or insertion of one or more bases.

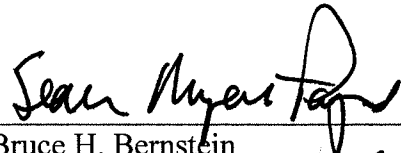
Group IV, claims 10 and 12, drawn to a method of regulating gene expression in a plant by transforming the polynucleotide of SEQ ID NO:1 into a plant; wherein the translation of a gene located downstream of the inserted sequence is positively regulated in the plant.

**Election**

Applicants elect *without traverse* the invention set forth in Group I, claims 1, 4-9, and 11.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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